



IR 3621

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Dated: October 27, 2008 Signature: *Lawrence E. Russ*
(Lawrence E. Russ)

Docket No.: SONY 3.0-020
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ludtke et al.

Application No.: 10/014,112 Group Art Unit: 3621

Filed: December 11, 2001 Examiner: J. R. Kucab

For: SYSTEM AND METHOD FOR CONDUCTING
SECURE TRANSACTION OVER A
NETWORK

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action
mailed October 15, 2008, setting forth a Restriction Requirement
in the above-identified application. In the Office Action, the
Examiner required restriction to one of the following inventions
under 35 U.S.C. §121:

- I. Claims 1, 2, 10, 12, 14, 109, 111, 112, 118-127, drawn
to a method and system for enabling a person to effect
a transaction over a network, classified in class 705,
subclass 64.
- II. Claims 8, 9, 110, 116, 117, 128-132, drawn to a method
and system for enabling multiple individuals to effect
transactions classified in class 705, subclass 73.

In response, Applicants hereby elect the invention of

Group I, corresponding to claims 1, 2, 10, 12, 14, 109, 111, 112, 118-127.

This election is made with traverse. The Examiner asserts that there would be a serious burden on the examiner if restriction is not required. However, the Examiner classified Invention I in class 705, subclass 64 and classified Invention II in class 705, subclass 73 which is shown in the class schedule as being indented under class 705, subclass 64 as covering the same subject matter (secure transactions) but "including specifics of a user station". Namely, class 705, subclass 73 is a subclass of class 705, subclass 64. Hence, an Examiner carrying out a search for Invention I would also be expected to search in class 705, subclass 73, and an Examiner carrying out a search for Invention I would also be expected to search in class 705, subclass 64. Thus, the above classification of the two inventions does not place a serious burden on the examiner.

Moreover, the timing of the restriction requirement is improper. As M.P.E.P. § 811 sets forth:

...the examiner should make a proper requirement as early as possible in the prosecution, in the first action if possible, otherwise, as soon as the need for a proper requirement develops.

(Emphasis added.) In the present application, restriction is being required after the issuance of nine (9) prior Office Actions. Clearly, the issuance of the restriction requirement at such a late stage of the prosecution is not in accordance with the requirements of M.P.E.P. § 811.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the requirement and request examination of claims 1-2, 8-10, 12, 14, 109-112, and 116-132 on the merits.

Nevertheless, Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 27, 2008

Respectfully submitted,

By 

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